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United States District Court
Eastern District of Wisconsin

U.S. DISTRICT COURT
EASTERN DISTRICT-WI
FILED

NOV 12 2018

STEPHEN C. DRIES
CLERK

Rodasvaldo C. Pozo,
Pl.,

Case No. 18-cv-1486

Sheriff Dale J. Schmidt,
Chaplain Timothy Bauer,
Def's.

{ Motion opposing
Summary Judgment }

Now comes the plaintiff, hereinafter Mr. Pozo and moves the court, to deny the Defendants' motion for Summary Judgment and to grant the plaintiff's motion.

1. Mr. Pozo was taken into custody by the (ICE) Immigration authority April 5th 2018.

2. Upon arrival Mr. Pozo was asked what religion he belongs to.

3. Mr. Pozo told Sheriff Dale and Chaplain Bauer, that he was a sincere and peaceful Muslim.

4. Mr. Pozo requested a Holy Quran and Jumma's services under the Holy Book (i.e., the Glorious Quran Surah (Chapter) 62, haya (versal 9).

5. The request was made verbally upon arrival to all the Defendants.

6. The Defendants did not provided the Religious materials, nor any Jumma services at all.

7. Mr. Pozo then filed a complaint with the Detention authorities approx. JUNE 08, 2018.

8. Before Mr. Pozo file his appeal, the Defendants sent him a Holy Quran. see, ex. # 3.

9. It was too late because the Christians and Catholics Detainees were provided Holy Bibles and were given 3 times per week Religious services, by Chaplain Bauer and Sheriff Dale Schmidt was very aware of those Religious services.

10. Mr. Pozo also filed an Imate request with the Detention and with Immigration's authorities. see ex. # 1. See too, ex. # 2.

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11. Mr. Pozo filed his grievance at time and the Defendants answered late but provided a Free Holy Quran. see ex. #3. It no needs to appeal once the Quran was provided to Mr. Pozo Id. Ex. #3.

12. Besides, a Detainee does not need to go through the DCOF's process at all, but Mr. Pozo did anyway.

13. The exhaustion requirement does not apply to detainees in INS facilities. see, e.g., Edwards vs. Johnson 209 F.3d 772 (5th Cir. 2000).

14. In Apr. 105, 2018, when Mr. Pozo arrived he asked Mr. Schmitt and Chaplain Bauer's for a Holy Quran and for Muslim's services, to no avail.

15. The Jummah's service every Friday is mandatory by our Holy Religion see, Chapter 62, Verse 9?; Plus the month of Ramadan as well. Defendants such as Mr. Bauer and Mr. Schmitt Denied Mr. Pozo those Religious services and provided Religious services to the Christian and to the Catholics Detainees, every week.

16. Mr. Pozo spoke with chaplain Mr. Bauer about his Quran, the Ramadan and the Jumma's services.

17. Chaplain Bauer to me:

- a) Jumma's service is not allowed;
- b) The Ramadan's we will let you know;
- c) The Holy Quran, you need to buy your own.

18. I was under the ICE's (Fed) detention and Christians and Catholics were receiving the Holy Bibles and weekly religious services, provided by chaplain Bauer, inter alias.

19. Mr. Bauer was not working every week for free. He was not working volunteer at all. He provided Mr. Pozo with his working Card. see E.G., EX #15.

for those legal reasons,
their motion should be
Denied.

Signed: R Pozo
Dated: Oct. 2nd 2019